

**West Mojave Plan
Task Group I
Green Tree Inn, Victorville
November 1, 2001**

Attendees

Task Group: Michael Connor, Clarence Everly, Jeri Ferguson, Martin Gill, Art Gleason, Patrick Graven, Mark Hagan, Harold Johnson, Manuel Joia, Becky Jones, Peter Kiriakos, Paul Kober, Brian Ludicke, Mark Massar, David Matthews, Tonya Moore, James McRea, Doug Parham, Randy Scott, Courtney Smith, Pat Smith, Donna Thomas, Barbara Veale, Ed Waldheim, Marcia Wertenberger, Terry Wold.

West Mojave Team: Bill Haigh, Larry LaPre, Ed LaRue, Valery Pilmer.

Introduction

Ed LaRue opened the meeting, noting that Bill Haigh will be late due to fog at the airport. Introductions were made around the room. The following corrections were made to the October 15, 2001 meeting notes:

- Page 1. Change "Estimated population is 19,000 to **40,000.**"
- Page 2, second sentence. Change "disk" to "dish".
- Page 2. In response to question, "Does the population extend as far as Bird Spring, Fremont Peak?" Marcia indicated **no**.

Ed LaRue provided a summary of the status of the 2001 tortoise surveys. He indicated that the transects will be completed by mid November. The data is being entered into an Excel spreadsheet. Tony Krysk will help analyze the data, and GIS mapping will display the data.

Ed Waldheim indicated he would like to be added to the Education Subcommittee. It was noted that the subcommittee did not have anything new to report.

Dave Matthews noted that the news release regarding the Mojave Ground Squirrel Conservation Area was not printed in the Ridgecrest area newspaper. West Mojave Team staff will see that the newspapers are contacted.

In regards to the MGS Conservation Area map, Jeri Ferguson noted that the Olancho off-highway vehicle (OHV) Open Area is not clearly shown as outside the Habitat Conservation Area (HCA). Staff will ensure that Olancho Open Area is removed from the conservation area. Mike Connor noted that 2 sections south of China Lake should be included in the HCA. Staff will check and make necessary corrections. Staff will provide a set to Becky Jones after the requested changes are made.

Tortoise Disposition

Ed LaRue summarized the Tortoise Translocation Subcommittee meeting notes. The Subcommittee is recommending that Kristin Berry's protocol for salvaging ill or dying tortoises from construction sites be implemented. These tortoises would be sent to the USGS for research. The following discussion took place:

- Ed Waldheim requested that the relationship between the headstarting program and the rest of the conservation program be discussed at a future meeting. Ed LaRue would like Dave Moraftka present for that meeting. Ed Waldheim added that Bill Boarman should also be present. The Task Group agreed, and staff indicated that the issue will be placed on a future agenda.
- It was clarified that the protocol would be applied only to sick, dying or freshly killed tortoises, and would only be applied to construction sites.
- The protocol would be carried out by authorized biologists only.
- The Task Group agreed to accept the recommendation with the clarification that it applies to construction sites only.

Ed referred the group to the third bolded item on page 2 of the subcommittee meeting notes and the table shown on page 3. The table is laid out by DWMA, BTA and SRA. Ed clarified that the actions listed on the table would be performed by an authorized biologist. The recommendation for 1000 feet came from Fish and Wildlife Service (FWS) biological opinions. Some discussion occurred regarding the types of permits or projects this would apply to. Jeri Ferguson requested that staff provide additional language for the table that better explains what activities would be subject to the recommended actions. Ed LaRue responded that the recommended actions would only apply to authorized, permitted construction projects that result in the removal of brush and possible removal of tortoises. The following actions were taken regarding the table:

- **DWMA** Ok as shown
- **BTA** Ok as shown
- **SRA** (a) ok as shown
(b) ok as shown
(c) Ed LaRue directed attention to the second bold on page two. Some expressed concern regarding the use of the word "never." Some asked for a better explanation of the science behind not translocating tortoises within the DWMAs. Ed indicated that translocation is still experimental; there is a need to avoid spreading disease from one area to another; and translocated tortoises will not recognize their surroundings. Becky Jones indicated she would agree with language that says "not" rather than "never." The language for the second bolded item on page two was modified to read as follows: **"Translocation sites should not occur inside DWMAs unless proven to be scientifically sound."**

Pete Kiriakos asked that additional language be added to (c) that address the need to consider the carrying capacity of the translocation area. The following was added after the first sentence of (c): **“Carrying capacity and other available science will be used to select the designated area.”**

- **Designated Survey Areas** (a) ok as shown.
(b) ok as shown.
(c) Mike Connor indicated some concern about finalizing the language since the survey areas are not yet designated. It was noted that the details of how these items will be accomplished will be determined during implementation. Pete Kiriakos asked that the fencing language from the fencing subcommittee be revisited. This item was changed to read as follows: **“If neither option (a) nor (b) is available, then tortoises should be made available for research, education al purposes, captive breeding, zoo placement, adoption through recognized organizations (e.g. California Turtle and Tortoise Club), moved to areas within SRAs referred to above or, if clinically ill, dealt with in a manner consistent with the Berry Salvage Protocol.”**
- **Designated Non Survey Areas** Pete Kiriakos asked that staff consider including copies of the protocols in the plan appendix. This section was changed to read as follows:
“(a) Develop telephone tech support for the general public to deal with free- roaming tortoises.
(b) Free roaming tortoises should be made available for research, education, captive breeding, zoo placement, adoption through recognized organizations (e.g. California Turtle and Tortoise Club) or, if clinically ill, dealt with in a manner consistent with the Berry Salvage Protocol.”
- **All Areas** This section will be moved to the top of the table.
(a) Add the following reference at end of sentence: **“... (Berry Salvage Protocol).”**
(b) Add **“by authorized biologists”** after the word “handled.”

The group broke for lunch at 11:30 A.M. and reconvened at 12:50 P.M.

Standard Measures

Ed LaRue explained that the proposed standard measures would not apply to the non-survey areas. They would apply in the DWMAs, and the group should discuss whether they should apply to other areas. The measures represent a compilation and standardizing of terms and conditions FWS has used in biological opinions for the area. Terms and conditions frequently vary

depending upon the biologist assigned. The list of Standard Measures would provide consistency and would streamline the permitting process. **The Task Group agreed that Standard Measures should be established.**

Some concern was expressed regarding the permits these Standard Measures would apply to. Ed clarified that these would apply to construction projects and would be tied to the permit issued for such a project. They would not apply to the general public. Bill Haigh indicated that language would be added at the beginning of the list to clarify this issue.

Pete Kiriakos expressed concern that biological monitors should be paid by someone other than the project proponent to ensure objectivity. Others felt that this is an implementation issue for Task Group 4. (Bill Haigh was asked to consider initiating meetings for Task Group 4.) Becky Jones added that biological monitors are scrutinized very closely by the California Department of Fish and Game (CDFG).

Mike Connor asked whether Standard Measures would be developed for other species. Larry LaPre responded that mitigation will take care of most species. Burrowing Owl may be the one species where standards from CDFG could be applied.

Pete Kiriakos objects to E(21) on the bottom of page 3. He feels the biologist rather than the Field Contract Representative should have the authority to halt activities on the construction site. Becky Jones indicated that CDFG prefers to have a representative of the company to deal with who can be held ultimately responsible if there is a problem.

Becky Jones would like to add the following language between D (18) and (19): **"A written status report will be submitted to CDFG and FWS every 30 days."**

Mark Hagan suggested that staff interview biologists working on the ground to determine which of the measures are working and which are not working. He feels that certain measures, such as speed limits, are not really being implemented on the ground.

The Task Group also agreed that the Standard Measures should be applied as follows:

DWMA	Always apply
BTA	Always apply
Non-Survey Areas	Don't apply
Survey Areas	Apply only where desert tortoise sign is found on site (exclusive of BTA & DWMA).

Marie Brashear asked that a note be made that biologists look for other species as well. It was suggested that the numbering within the document be reformatted.

Bill Haigh explained that for the remaining species, he is proposing establishing bioregions within

the West Mojave Plan, and reviewing the remaining species bioregion by bioregion. This would be done after the Task Group has completed review of Mohave Ground Squirrel.

Mohave Ground Squirrel (MGS) - Tortoise Reconciliation Chart

Bill Haigh directed the groups attention to the reconciliation chart.

- Page 5 - Allowable Ground Disturbance and Implementation Monitoring.

Marie Brashear asked how the 1% could be imposed on Inyo County given the limited amount of private lands. Bill Haigh indicated that this was being taken into account by the proposal to exclude private lands from the HCA in Inyo County. The 1% cap would not be applied species by species, but rather by jurisdiction.

Bill Haigh indicated that the language shown in column three will be replaced with the language developed last spring by the Steering Committee and endorsed by Task Group 1 for the HCA.

- Page 7 - Purchase of Private Lands.

Bill Haigh noted that the language proposed for the tortoise was never finalized. Haigh clarified that the language in bold in column 2 would be goals to guide land acquisition when it occurs.

B1a. Pete Kiriakos asked that some language be added about acquiring conservation easements. Mike Connor indicated concern that acreage purchased and set aside for conservation needs be closed to uses incompatible with conservation (e.g. mining). Randy Scott and Marie Brashear raised the issue of the needing to maintain balance in land acquisition and disposal because of the potential impact on the county tax base. The determination of who will actually hold title to land acquired for conservation needs to be discussed by Task Group 4. Becky Jones clarified that the BLM can place conservation easements on BLM land. It was recommended that the language be modified to be applicable to all species. The first B1a was revised to read as follows:

“The primary goals for land acquisition are to maintain existing public lands insofar as possible in an unfragmented state, to acquire private lands for conservation purposes in the HCA, and to manage those areas for species recovery. The land acquisition process will seek to maintain the stability of local tax bases. Acquisitions could include the establishment of conservation easements in perpetuity.”

Pete Kiriakos suggested adding “biological monitoring” as an example in the second B1a. The second B1a was revised to read as follows:

“Acquisition of private lands within the HCA must be followed immediately by meaningful land management actions (e.g., route designation, biological monitoring, and implementation) that satisfy pertinent laws and promote the conservation and recovery of the target species.”

B2a. Task Group deleted this item and added **“insofar as possible in an unfragmented state”** to B1a above.

B3a. Ed Waldheim asked about setting up a process to revert land to public multiple use if no longer needed for conservation purposes. Bill Haigh suggested that this could be addressed through adaptive management. This item was revised to read as follows:

“The West Mojave Plan will serve as the basis for amending the BLM’s Land Tenure Adjustment Project.”

- Bill Haigh noted that the issues on Pages 9, 10, and 11 are currently being worked on by the Compensation Subcommittee.
- Page 12 through 13 - Plan Management

The group suggested modifying the language to clarify that the implementation team will be acting more as a clearing house for comments to the local land use agency from CDFG and FWS. The first paragraph was modified to read as follows:

“The West Mojave Implementation Team will recommend project-specific mitigation measures for projects in the Biological Transition Areas to ensure that the project’s indirect impacts do not adversely affect protection of species in adjacent conservation areas.”

Paragraphs 2 and 3 are to remain for future discussion by Task Group 4.

Tracking Group. This item was modified to read as follows:

“The Implementation Team will establish a mechanism to track the implementation of the Plan.”

Research and Monitoring. Changed “the MGS” to “species”. Task Group approved remainder of the wording.

C1a. It was suggested that the language for this item should be more generic to allow the Implementation Team to apply law enforcement where needed most. Hector Villalobos suggested that a minimum law enforcement patrol be established to address the concern of

moving law enforcement officers to other duties (e.g., a minimum number of days or time). This section was changed to read as follows:

“Increase the frequency of patrols by personnel with law enforcement authority in the HCA at sites where prohibited activities are identified. Pursue interagency law enforcement agreements and cross delegation where appropriate.”

Next Meeting Date

The next Task Group 1 meeting is scheduled for Tuesday, November 13, 2001 at the Green Tree Inn. Agenda will start with MGS/Tortoise Reconciliation Table, page 15.

The following Task Group 1 meeting will be held on December 10, 2001.

Bill Haigh indicated he will be rescheduling the Task Group 2 meeting originally scheduled for today.